



The Navajo Nation
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FOR IMMEDIATE RELEASE: July 23, 2024

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Navajo President Buu Nygren testifies before House Natural Resources Committee, joins leaders from Arizona, New Mexico, Montana to pass \$12 billion in settlements

WASHINGTON – Navajo Nation President Buu Nygren testified here today before the House Natural Resources Committee, Subcommittee on Water, Wildlife and Fisheries on four water rights bills that will bring water to the Navajo Nation and other tribes.

“Roughly a third of Navajo households lack running water, including the home I grew up in,” the President told the subcommittee.

“Thousands of our people continue to haul water over 30 miles roundtrip to meet daily water demands. Congress must act to end the water crisis on the Navajo Nation. This made the pandemic devastating to my people and holds us back from the that other Americans take for granted.”

President Nygren presented testimony on:

- H.R. 8940 – Northeastern Arizona Indian Water Rights Settlement Act
- H.R. 3977 – Navajo-Gallup Water Supply Project Amendments Act of 2023
- H.R. 8945 – Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024.
- H.R. 6599 – Technical Corrections to the Northwestern New Mexico Rural Water Projects

Act, Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act.



On Tuesday, July 23, 2024, at 10:15 a.m. in room 1324 Longworth House Office Building, the Committee on Natural Resources, Subcommittee on Water, Wildlife and Fisheries convened.

Other tribal leaders testifying on the bills during the three-and-a-half hour hearing were Hopi Tribal Vice Chairman Craig Andrews, Yavapai-Apache Nation Chairwoman Tanya Lewis, Taos Pueblo Governor Fred Romero and Acoma Pueblo Governor Randall Vicente.

This purpose of the hearing was to examine several proposed Indian water rights settlements in Arizona, New Mexico and Montana which collectively total more than \$12 billion, the committee stated.

The House Committee on Natural Resources stated it has primary authorizing jurisdiction over the legislative resolution of Indian water rights claims. It has been the longstanding policy of the United States that disputes regarding Indian water rights should be resolved through negotiated settlement rather than through litigation.

President Nygren said H.R. 8940 will ratify the historic Northeastern Arizona Indian Water Rights Settlement Act among the Navajo Nation and 38 other parties. These include the Hopi Tribe, the San Juan Southern Paiute Tribe, the United States and the State of Arizona. It will put to rest decades of expensive litigation and bring certainty to users throughout the Colorado River Basin, he said.

“This settlement will resolve the water rights claims for three Indigenous nations,” President Nygren said. “It will also invest in desperately needed water infrastructure that will deliver safe and reliable drinking water to these communities.”

Arizona Republican Congressman Anthony Ciscomani, a sponsor of the bill, said the settlement is monumental for the tribes and the State of Arizona's water future as a whole.

“It is hard to overstate the tireless efforts and decades of work that all parties of this legislation have put into this settlement,” Congressman Ciscomani said. “For far too long, many tribal communities in northern Arizona have had a lack of access or no access at all to clean drinking water. It is high time we right this wrong and ensure these families and



communities have reliable water resources which is the foundation of a thriving community.”

Brian Newland, assistant secretary for Indian Affairs at the Interior Department, testified that the Northeastern Arizona Indian Water Rights Settlement Act marks the resolution of long-standing claims and conflicts over water in northeastern Arizona. He said the bill is a historic milestone to ensure access to water for Native people in their homelands, and others in the drought-stricken region.



Arizona District 6 Congressman Anthony Ciscomani, sponsor of the Northeastern Arizona Indian Water Rights Settlement Act.

“The United States has a trust obligation to protect the continued existence of Indian tribes,” Newland said. “This means ensuring that each tribe has a protected homeland where its citizens can maintain their tribal existence and way of life. Everyone should understand that water is essential to meeting those obligations. In my written statement, I expressed the department's support for nine of the bills before the committee today.”

President Nygren said each of the settlements will ensure a safe and secure water supply available and accessible to tens of thousands of Navajo people now and for future generations.

“No one in America should be denied access to water because of where they live,” he said. “(The settlement) will provide certainty for our homeland’s future and an equal opportunity for the Navajo people.”

David Palumbo, deputy commissioner of operations for the Bureau of Reclamation, told the subcommittee that negotiated settlements rather than litigation are in the best interests of all the parties, especially for the beneficial use for tribal members on their land.

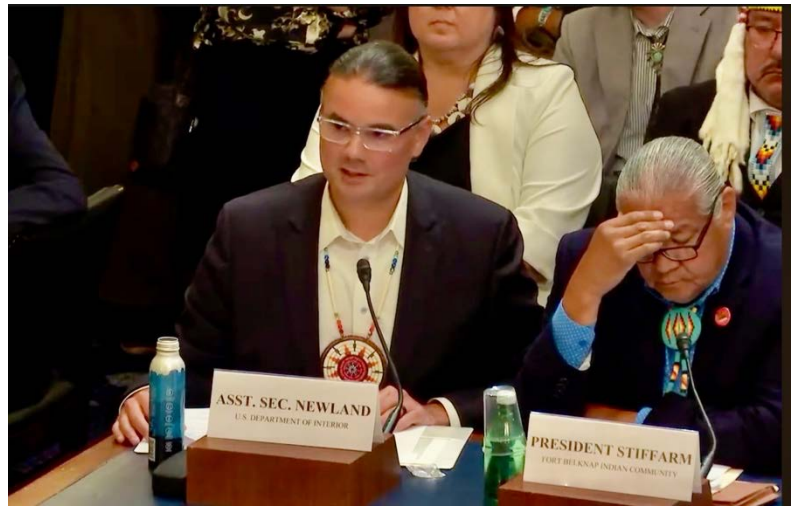
“If we went down a litigation route, that would not necessarily happen,” Columbo said. “In fact, often in litigation wet water does not get delivered to the reservation. It does not get put to beneficial use, does not bring equity to the situation with tribes across the American West. So we believe it’s in the best interest fiscally, in the best interest from an equity perspective, and that’s why we support these settlements. It is meeting our trust responsibility to the tribes to take the action.”

President Nygren said the Northeastern Arizona Indian Water Rights Settlement Act would fund construction of a pipeline to divert Colorado River water from LeChee Chapter in the northwestern portion of the Navajo Nation that borders Page, Ariz., and Lake Powell, to many Navajo communities. He said it would fund other water delivery projects.

The settlement and bill would ratify the treaty between the Navajo Nation and the San Juan Southern Paiute Tribe and create the San Juan Southern Paiute Reservation, he said.

“The Paiute people will finally join the 21 other tribes in Arizona and have a sovereign territory of their own,” President Nygren said.

Speaking in support of H.R. 3977, the Navajo-Gallup Water Supply Project Amendments Act of



Assistant Secretary for Indian Affairs Brian Newland

2023, President Nygren said Congress approved the San Juan Settlement and authorized the Bureau of Reclamation to construct the Navajo-Gallup Water Supply Project in 2009. He said the water project brings water from the San Juan River to a quarter of a million people in eastern Navajo, Jicarilla Apache Nation and Gallup, N.M.

“The project’s cost is much higher than anticipated partly due to a 40-year high in inflation,” President Nygren said. “The bill makes several changes to ensure full implementation of the 2009 settlement by increasing the appropriations ceiling to complete the project and extend the completion deadline from 2024 to 2029. If not enacted, the San Juan Settlement and the completion of the project will be threatened.”

The Rio San José Stream System Water Rights Settlement Act – H.R. 8945 – authorizes a settlement to resolve the Navajo Nation’s water rights claim in the Rio San José Basin, President Nygren said.

“That would end four decades of litigation and recognize the Nation’s water rights in the Rio Puerco basin,” he said.

The bill is the Navajo counterpart to the Acoma and Laguna settlement in H.R. 1304.

“Settlement funds will bring water to the Rio San Jose and Rio Puerco basins, some of the driest in New Mexico,” President Nygren said. “This will help

all water users in these basins to manage depleted surface and ground water.”

New Mexico Democratic Congresswoman Teresa Leger Fernandez is co-sponsor of H.R. 1304, the Rio San José and Rio Jemez Water Settlements Act of 2023, H.R. 3977, the Navajo-Gallup Water Supply Project Amendments Act of 2023, and H.R. 8945, the Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024.



New Mexico Congresswoman Teresa Leger Fernandez

She said she is pleased Arizona and New Mexico tribes came together to settle their claims and are working together to get these pieces of legislation passed.

“I was a brand new attorney 30 years ago when I had to litigate an appeal as to whether Laguna had lost all of its water rights,” she told the subcommittee and tribal leaders. “So I can't tell you how happy I am to be sitting here today with a bill that says we will settle these water rights.

Imagine, I'm not young so that was a long time ago. That case had been going on 10 years before that, and it was acrimonious. Now you have worked it out ... with people that you've also been litigating with but they're also your neighbor.”

Last, President Nygren said H.R. 6599 is a bill that would provide fixes to the Northwestern New Mexico Rural Water Projects Act, Taos Pueblo Indian Water Rights Settlement Act, and Aamodt Litigation Settlement Act.

“What's important about the Navajo-Gallup Pipeline is that time is of the essence because I know the deadline is the end of this year,” President Nygren said. “We're trying to extend the deadline at the same time really try to make up for some of the cost adjustments over the past several years for inflation, for the different types of designs that have to go into the new modern water treatment plants again.”

He said extending the completion deadline to 2029 is critical because of the many thousands of Navajo and Gallup residents who depend on the water delivery and to avoid tapping into groundwater.

“That will relieve some of that stress to move the communities forward,” he said. “Those are some of the critical things that we're going to address.”

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